IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 24704 of 2002

Between:

A. Janakamma W/o. Pullaiah, aged 40 years,

Occ:Ex.Fair Price Shop dealer, Nelakondapalli village

And Mandal, Khammam District.

..... PETITIONER

AND

1. The Joint Collector, Khammam, Khammam District
2. The Revenue Divisional Officer, Khammam, Khammam District
3. The Mandal Revenue Officer, Nelakondapalli Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ order or direction, preferably a writ of mandamus declaring proceedings No.C2/928/2002, dated 01.11.2002 and also the Notification dt.30.11.2002 vide proc.R.C.No.C2/2365/2002 by respondent No.2 and non disposal of appeal and stay petition by Respondent No.1 as illegal, arbitrary, unconstitutional in violation of principles of natural justice and to pass appropriate orders by restoring fair price shop authorization.

Counsel for the Petitioner: MR.A.RAJASEKHAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

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ORDER:

Heard both the learned Counsel.

The petitioner, who is a dealer, seeks to assail the proceedings pending the appeal. The case of the petitioner is that subsequent to the final orders passed on 01-11-2002, he has already filed appeal before the 1st respondent herein and in the said application no orders are passed. This Court has granted the interim stay in W.P.M.P.No.31098 of 2002 dated 12-12-2002 and the same is still subsisting.

Having heard the Counsel on either side and also on perusal of the material, it is seen that since the substantive appeal is pending before the appellate authority-1st respondent, it is not necessary to go into the merits of the case, it would suffice in the interest of justice to direct the appellate authority-1st respondent to dispose of the appeal, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of directing the appellate authority-1st respondent to dispose of the appeal, within a period of three months from the date of receipt of a copy of this order. The interim orders granted by this Court shall continue in force till the disposal of the appeal. No costs.

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B.PRAKASH RAO, J.

Dated 30-08-2004.

Skmr

To

1. The Joint Collector, Khammam, Khammam District.

2. The Revenue Divisional Officer, Khammam, Khammam District.

3. The Mandal Revenue Officer, Nelakondapalli Mandal, Khammam District.

4. 2 CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad(OUT).

5. 2 CD Copies.